

FILED

JUN 23 2005

1 TRACY L. MAINGUY, Bar No. 176928

2 OPERATING ENGINEERS LOCAL UNION NO. 3 TRUST FUNDS- MULTI-SERVICES

1620 South Loop Road

Alameda, CA 94502

3 (510) 748-7474

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

4 Attorney for Plaintiffs

5
6 UNITED STATES DISTRICT COURT

7 FOR THE NORTHERN DISTRICT OF CALIFORNIA

8 (SAN FRANCISCO HEADQUARTERS)

9
10 GIL CROTHWAITE, JOHN BONILLA, in)
their respective capacities as Trustees of the)
11 OPERATING ENGINEERS HEALTH AND)
WELFARE TRUST FUND FOR)
12 NORTHERN CALIFORNIA et al.,)

Case No.: C 04-4579 MHP

STIPULATION FOR DISMISSAL AS TO
DEFENDANT TOM CHASM; ORDER
THEREON

13 Plaintiffs,

14 vs.

SPECIALTY CRUSHING, INC. et al.,

15 Defendants.

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18 Plaintiffs GIL CROTHWAITE and JOHN BONILLA, in their respective capacities as
19 Trustees of the OPERATING ENGINEERS HEALTH AND WELFARE TRUST FUND FOR
20 NORTHERN CALIFORNIA; PENSION TRUST FUND FOR OPERATING ENGINEERS;
21 PENSIONED OPERATING ENGINEERS HEALTH AND WELFARE FUND; OPERATING
22 ENGINEERS AND PARTICIPATING EMPLOYERS PRE-APPRENTICESHIP,
23 APPRENTICE AND JOURNEYMEN AFFIRMATIVE ACTION TRAINING FUND;
24 OPERATING ENGINEERS VACATION AND HOLIDAY PLAN; OPERATING
25 ENGINEERS CONTRACT ADMINISTRATION TRUST FUND; OPERATING ENGINEERS
MARKET PRESERVATION TRUST FUND; OPERATING ENGINEERS INDUSTRY
STABILIZATION TRUST FUND; BUSINESS DEVELOPMENT TRUST FUND; and HEAVYSTIPULATION FOR DISMISSAL AS TO DEFENDANT TOM CHASM; [PROPOSED] ORDER THEREON;
Case No. C 04-4579 MHP

1 AND HIGHWAY COMMITTEE ("Operating Engineers Trust Funds") and Defendant TOM
2 CHASM, individually stipulate and agree to the following:

- 3 1. The Operating Engineers Trust Funds and the Defendant TOM CHASM executed a
4 settlement agreement entitled "SETTLEMENT AGREEMENT" in order to resolve
5 the above-captioned proceeding.
6 2. In light of the settlement agreement, the above-captioned matter is dismissed pursuant
7 to Federal Rule of Procedure 41(a)(1).
8 3. Each party will bear their own attorneys' fees and costs relating to this proceeding.
9 4. The Court will retain jurisdiction over the above-captioned proceeding to enforce the
10 terms of the settlement agreement referenced in paragraph 1 above.

11 DATED: 6/17/05

OPERATING ENGINEERS LOCAL UNION NO. 3
TRUST FUNDS - MULTI-SERVICES

12 By: 
13 TRACY L. MAINGUY
14 ATTORNEY FOR PLAINTIFFS

15 DATED: 6/20/05

16 By: 
17 TOM CHASM, individually

18 ORDER

19 PURSUANT TO STIPULATION, IT IS SO ORDERED.

20 Dated: 6/22/05

21 
22 MARILYN HALL PATEL
23 HONORABLE UNITED STATES DISTRICT JUDGE
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